

Lawmakers Cite Previously Undisclosed Diesel Fuel Risks Detailed in New House Energy and Commerce Committee Report

Washington, DC - Congressman Maurice Hinchey (D-NY) and Congressman Rush Holt (NJ-12) today urged the Delaware River Basin Commission (DRBC) to suspend its current natural gas development rulemaking process following the release of new information from House investigators about the use of diesel fuel in hydraulic fracturing fluid. New regulations issued in December by the DRBC fail to account for the potential risks posed by diesel fuel in fracking fluid.

"We already know there are significant risks when millions of gallons of water mixed with a small percentage of toxic fracking fluid are injected into the ground in the hydraulic fracking process," said Hinchey. "New evidence now suggests that in some cases, frack wells are substantially more dangerous because they are using diesel fuel, which contains chemicals known to cause cancer, brain damage, kidney damage and more. The DRBC's rules don't even consider the potential impacts of diesel fuel, even though over 30 million gallons of it have been pumped into the ground in 19 states. The DRBC should suspend the current rulemaking process, consider this new information and then offer a new public comment period on the new rules. It's the responsible thing to do."

"Because the drilling companies have not been forthcoming about the chemicals they used, prudence requires more thorough review of the fracking process. Fracking simply should not be allowed to proceed until we have the data and good science needed to protect the health and environment for the 7.7 million people who make their home in the Delaware River watershed, and the almost 10 percent of the nation's population who rely on these waters for drinking, recreational and industrial use," Holt said.

In December, Hinchey and Holt joined local officials and public citizens in calling for the DRBC to conduct and complete a Cumulative Environmental Impact Study prior to the issuance of a regulatory framework that would allow hydraulic fracturing for natural gas to move forward in the basin. In spite of these calls the Commission moved forward with draft regulations without conducting such an analysis. The public comment period is ongoing.

This week, U.S. Reps. Henry A. Waxman (D-CA), Edward J. Markey (D-MA), and Diana

DeGette (D-CO) sent a letter to the Environmental Protection Agency (EPA) Administrator Lisa Jackson regarding the results of an investigation into the use of diesel fuel in hydraulic fracturing fluids. They found that drilling companies used over 30 million gallons of diesel fuel in 19 states, despite a pledge by the industry in 2003 to discontinue the use of diesel fuel. The use of diesel fuel in hydraulic fracturing operations is regulated by the EPA under the Safe Drinking Water Act. Any service company that performs hydraulic fracturing using diesel fuel must receive prior authorization from the EPA.

Hinchey and Holt's letter to DRBC Executive Director Carol Collier follows. A PDF can be found [here](#).

February 2, 2011

Carol R. Collier, Executive Director
Delaware River Basin Commission
PO Box 7360
West Trenton, NJ 08628-0360

Dear Ms. Collier:

We wanted to make sure you are aware of recently uncovered information about the use of diesel fuel in hydraulic fracturing fluid. This week investigators from the House Energy and Commerce Committee released the results of their investigation into the composition of hydraulic fracturing fluids. They found that oil and gas service companies injected 32.2 million gallons of diesel fuel in wells in 19 states, despite an industry pledge to not use diesel fuel in hydraulic fracturing operations.

As the investigator's report indicates, diesel fuel is composed of toxic chemical constituents including benzene, toluene, ethylbenzene, and xylenes (collectively known as BTEX compounds). Benzene is a known carcinogen, while continued exposure to other BTEX compounds can lead to a host of health problems including brain, respiratory and kidney damage, according the U.S. Department of Health and Human Services, as well as private research. In addition, the U.S. Environmental Protection Agency, which is currently in the midst of a study of the risks hydraulic fracturing poses to drinking water, has found that "the use of

diesel fuel in fracturing fluids poses the greatest threat" to underground sources of drinking water.

The Commission's draft regulations make no mention of diesel fuel or the risks it may pose to the Basin's water supplies. Given this information, we urge you to suspend the current rulemaking process to review these new findings to determine if the draft regulations are still sufficient. Following that, we recommend that you extend and expand the public comment process for the Commission's proposed draft regulations for natural gas development in the Delaware River Basin. This will ensure that the public is able to fully review and comment on any updates or changes the DRBC makes to its draft regulations, in light of this new information.

[Enclosed](#) is a copy of the investigator's findings. We appreciate your consideration of this request and look forward to your response.

Sincerely,

Maurice D. Hinchey

Rush Holt